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Derry  
4-17-03

2828

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of

Rickard Marcks VON WURTEMBERG et al

Group Art Unit: 2828

Application No. 09/438,955

Filed: November 12, 1999

For: BOTTOM EMITTING VCSEL WITH MONITOR EMISSION THROUGH MIRROR

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

(SUBMISSION AFTER FILING OF AN APPLICATION BUT  
BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE)

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BOX DD  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. **COPIES**

Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. **CONCISE EXPLANATION OF THE RELEVANCE**  
(check at least one box)

a.  Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language

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Search Report, a copy of which is attached hereto (concise explanation not required).

- b.  A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c.  The following additional information is provided for the Examiner's consideration.

IV.  **THIS IDS IS BEING FILED UNDER 37 CFR § 1.97(b):**  
*(check one box)*

- a.  within three months of the filing date of a national application (37 CFR § 1.97(b)(1)). No fee or certification is required.
- b.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 CFR § 1.97(b)(2)). No fee or certification is required.
- c.  before the mailing of a first Office action on the merits 37 CFR § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 CFR § 1.97(c) and see the certification under 37 CFR § 1.97(e) below, or, in no certification has been made, charge our deposit account a fee in the amount of \$180 as required by 37 CFR § 1.17(p).
- d.  before the mailing of a first Office action after the filing of a request for continued examination under § 1.114 37 CFR § 1.97(b)(4). No fee or certification is required.

V.  **THIS IDS IS BEING FILED UNDER 37 CFR § 1.97(c):**  
*(check one box)*

before the mailing date of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

- a.  No certification; therefore, a fee in the amount of \$180 is required by 37 CFR § 1.17(p);  
or
- b.  See the certificate below. No fee is required.

VI.  THIS IDS IS BEING FILED UNDER 37 CFR § 1.97(d):  
*(check one box)*

after the mailing date of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and is filed on or before payment of the issue fee and is accompanied by:

- a.  The statement specified in paragraph 1.97(e); and
- b.  The fee set forth in § 1.17(p).

VII. STATEMENT UNDER 37 CFR § 1.97(e): *(check only one box)*

The undersigned hereby states that

- a.  each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this statement.

VIII. PAYMENT OF FEES *(check one box)*

A check in the amount of \$180 is enclosed for the above-identified fee.

Please charge Deposit Account No. 50-1936 in the amount of \$180 for the above-indicated fee. This paper is filed in duplicate.

No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1936.

Please charge any additional fees or credit any overpayment pursuant to 37 CFR § 1.16 or 1.17 to Deposit Account No. 50-1936.

Respectfully submitted,

January 10, 2003

  
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Enclosures:  PTO-1449  
 References  
 Foreign Search Report  
 Fee  
 Other:

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**CERTIFICATE OF MAILING**

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT** and the documents noted as submitted herewith are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Group Art Unit 2828, Assistant Commissioner for Patents, Washington, D.C. 20231, on January 10, 2003

Donna Lombardo

Signature 